
Transportation Committee

ESSB 6800

Brief Description: Refining the roles of the transportation commission and department of transportation.

Sponsors: Senate Committee on Transportation (originally sponsored by Senators Haugen, Jacobsen and Rockefeller; by request of Governor Gregoire).

Brief Summary of Engrossed Substitute Bill

- Modifying the powers, functions, and duties of the Department of Transportation (DOT) and the Washington Transportation Commission (Commission) relating to state transportation policy, planning, and oversight.
- Repealing the Transportation Performance Audit Board (TPAB).

Hearing Date: 2/20/06

Staff: David Bowman (786-7339).

Background:

In 2005, the Legislature restructured statewide transportation governance, including among other things making the Washington State Department of Transportation (DOT) a cabinet level agency, with the Secretary of Transportation to be appointed by the Governor. The Secretary assumed authority previously directed to the Washington Transportation Commission (Commission) to propose the DOT agency budget and to authorize departmental request legislation.

Since the restructure, the Commission has had several responsibilities and roles in state transportation policy development, including:

- statewide transportation planning;
- issuance and sale of all bonds authorized by the Legislature for capital construction of state highways, toll facilities, urban arterial projects, and aviation facilities;
- functional highway classification, and designation of highways of statewide significance;
- adopting a comprehensive 10-year investment program;
- establishing performance measures and certifying local public transportation agency maintenance and preservation management plans;
- preparing a statewide multi-modal transportation progress report; and
- serving as the state's tolling authority and setting ferry fares.

Performance review and auditing of transportation-related agencies has been prescribed in several recent enactments. The 2005 restructure gave the Transportation Performance Audit Board (TPAB) authority to direct performance audits and to review performance measures and outcomes of transportation-related agencies and certain local transportation entities. Meanwhile, in November 2005, voters approved Initiative 900, requiring the State Auditor to conduct performance audits of state and local governments including "state and local transportation governmental entities and each of their agencies, accounts, and programs." The State Auditor is thus required to conduct performance audits upon transportation agencies. I-900 dedicated a percentage of the state sales and use tax for this purpose, and, in 2005, the Legislature appropriated \$4 million to the State Auditor for this purpose.

The Transportation Innovative Partnerships (TIP) program was created to enable the DOT to enter into partnerships with private entities for the development of transportation facilities. The Commission has several responsibilities relating to the TIP program, including enacting rules for the proper acceptance, review, evaluation and selection of projects. After a tentative development agreement has been reached on an identified project, the Commission must publish the proposed contract for 20 days, followed by a hearing to receive public comment. After receiving public comment and approving a public involvement plan, the Commission may execute the contract.

Summary of Bill:

The roles and responsibilities of the DOT and the Commission are modified.

The DOT obtains the following responsibilities, in addition to various administrative duties, from the Commission: (1) approving bond issuance; and (2) adopting a functional classification of highways, including the designation of highways of statewide significance.

The Commission retains the following powers, functions, and duties (among others):

- adopting the comprehensive and balanced statewide transportation plan;
- developing a comprehensive investment program, including programming and prioritization standards;
- overseeing the TIP program;
- conducting performance reviews of transportation-related agencies;
- conducting public outreach;
- setting tolls and ferry fares; and
- recommending to the Governor and the Legislature improvements in certain transportation issue areas.

The composition and procedures of the Commission are modified in several ways:

- the Governor may remove a Commissioner "for cause", without necessarily being based on a superior court determination of incapacity, incompetence, neglect of duty, or malfeasance in office;
- the Governor, or her or his designee, is added as a nonvoting member;
- the requirements that the Commission comprise a certain number of members from each major political party, and be geographically diverse, are eliminated;
- the frequency of Commission meetings is changed from monthly to quarterly;
- a limit is placed on the maximum, aggregate number of days Commissioners can be compensated for their Commission-related work.

The TPAB is repealed, and its function of reviewing performance measures and outcomes of transportation-related agencies is assumed by the Commission.

Appropriation: None.

Fiscal Note: Available for original bill.

Effective Date: The bill takes effect on July 1, 2006.